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INTERNATIONAL MILITARY TRIBUNAL FOR THE
FAR EAST TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- VS -

ARAKI, Sadao, et al.

-Defendant-

APPLICATION ON BEHALF OF HASHIMOTO,
Kingoro, FOR AN ORDER FOR THE PROD-
UCTION OF WITNESSES AND DOCUMENTS

A. COMES NOW HASHIMOTO, Kingoro, and respectfully requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following named witnesses necessary to his defense:

1. Ota, Kozo

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was at various times Chief Secretary of the Hiranuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet;
- d. The facts expected to be proved by this witness are that:

- (1) "KODO" or the "Imperial Way" was a principle which did not contemplate aggression;
- (2) The purpose of the Reform Movements, with which the defendant HASHIMOTO

was connected, was to cleanse politics of corrupt influences;

(3) The purpose and intent of the Imperial Rules Assistance Association, with which the defendant HASHIMOTO was connected at one time, were not aggression, and other relevant matters:

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1 and 2, and Appendices A (Section 6) and E of the Indictment.

2. WACHI, Takaji

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was a Lieutenant General in the Japanese Army and was a member of "Sakura-Kai" or the "Cherry Blossom Society." This witness participated in the October Incident and is thoroughly familiar with the March Incident;
- d. The facts expected to be proved by this witness are that:

- (1) The purpose and activities of "Sakura-kai," of which the defendant HASHIMOTO was a member, were merely internal reform of the nation;
- (2) The purposes of the October and March Incidents were the internal reform of the Japanese Army, and other relevant matters;

- e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1, 2, 18, and 19. and Appendices A (Sections 1 and 2) and E of the Indictment.

3. TERADA, Masao

- a. The nationality of the witness is Japanese;
- b. The witness is now residing in Fukui Prefecture, Japan;
- c. The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the YANAGAWA Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the Units of the Yanagawa Army;
- d. The facts expected to be proved by this witness are that:

(1) The shelling of the "Ladybird" was an accident due to the dense fog;

(2) The said shelling order was issued from the Headquarters of the Yanagawa Army, and other relevant matters;

- e. The testimony of this witness to the defense of the accused is considered necessary in regard to Count No. 7 and Appendices A (Section 9) and E of the Indictment.

4. IKEZAKI, Chuko

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was a member of the Japanese Diet,

an official of the Education Ministry and was one of the leading authorities in Japan on Military matters;

d. The facts expected to be proved by this witness are that:

(1) The opinions of HASHIMOTO as expressed in his published books and magazine articles were merely representative of current Japanese thought and public opinion and were not distinct in being that of a particular individual intent on preparing the public for aggression;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 5, 7, 8, and 20. and Appendices A (Sections 7 and 9) of the Indictment.

B. The defendant HASHIMOTO further requests the Tribunal in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

1. The complete file of documents dealing with the "Ladybird Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan;
2. The complete file of documents dealing with the "Panay Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan.

The above mentioned documents may be needed as defense evidence to show that the accused is not responsible as charged by the Indictment.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of the aforesaid witnesses and documents.

Dated, Tokyo, Japan

18 November 1946

HASHIMOTO, Kingoro

By

HAYASHI, Itsuro

HARRIS, E. Richard
His Counsel